

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

RICK ALAN DAVIDSON,

Debtor.

Chapter 11

Case No. 19–11486 (DSJ)

JEFFERIES, LLC and
JEFFERIES GROUP, LLC,
Plaintiffs,

v.

RICK ALAN DAVIDSON,

Defendant.

Adversary Proceeding No. 19-1395 (DSJ)

AMENDED CASE MANAGEMENT AND SCHEDULING ORDER

This Amended Case Management and Scheduling Order is entered by the Court, following a Scheduling Conference held November 30, 2023, in accordance with Fed. R. Civ. P. 16(b) and 26(f), made applicable to adversary proceedings pursuant to Fed. R. Bankr. P. 7016 and 7026.

It is hereby ORDERED as follows:

1. Fact Discovery: The fact discovery deadline shall be extended solely for the depositions of fact witnesses Eileen Arcuri and Jeff Lau as follows:

a. The depositions shall be limited to two hours per witness, and the scope of questioning shall be targeted and tied to the subject matter addressed by and within the documents produced as the Plaintiff’s supplemental ESI document production served on November 20, 2023 (“Plaintiff’s Supplemental Document Production”).

b. The depositions shall be held on a date agreed upon by the parties, but in no event later than February 15, 2023.

c. Except as set forth above, fact discovery is closed. Beyond the two depositions described above, the extension of the fact discovery deadline shall be for no other purpose, including no other deposition, motion practice, filing or other demands for fact discovery. No further extension of time for fact discovery will be granted.

d. Defendant's request to preclude the use of Plaintiff's Supplemental Document Production is denied, without prejudice for Defendant to file a motion *in Limine* at a later date.

2. Expert Discovery.

a. Expert discovery is closed and the parties are precluded from introducing any expert testimony, reports or materials in connection with any motion practice and/or at trial.

3. Dispositive Motions. Subject to a party's request for a pre-motion conference prior to the filing of any dispositive motion in accordance with Local Bankruptcy Rule 7056-1:

a. Dispositive motions, including motion(s) for summary judgment, shall be filed no later than March 1, 2024.

b. Any opposition to a dispositive motion shall be filed no later than April 16, 2024.

c. Replies in support of a dispositive motion shall be filed no later than May 24, 2024.

4. In the event of a dispute over discovery, the parties' counsel shall promptly confer to attempt in good faith to resolve the dispute. If, notwithstanding their good faith efforts to do so,

they are unable to resolve a discovery issue, they shall promptly inform the Court by letter of the nature of the dispute and request a telephonic discovery conference. At the conference, the Court will ask the parties about their prior efforts to resolve the dispute.

5. The Court will hold a status conference on February 15, 2024, at 10:00 a.m. (Prevailing Eastern Time) via Zoom for Government. Those wishing to appear before the Court at the status conference must register their appearance utilizing the Electronic Appearance portal located at the Court's website: <https://ecf.nysb.uscourts.gov/cgi-bin/nysbAppearances.pt>. Appearances must be entered no later than February 14, 2024, at 4:00 p.m. (Prevailing Eastern Time). **This conference also will serve as a pre-motion conference in connection with any possible motion for summary judgment, and any party wishing to file such a motion shall file a short letter four business days before the conference explaining the basis for its intended motion, with any responsive letter due one business day before the conference.**
[DSJ 12/6/23]

6. This Order may not be modified or the dates herein extended, except by further Order of this Court for good cause shown. Any application to modify or extend any deadline established by this Order shall be made in a written application prior to the expiration of a deadline.

Dated: New York, New York
December 6, 2023

s/ David S. Jones
HONORABLE DAVID S. JONES
UNITED STATES BANKRUPTCY JUDGE